

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1, 7-8, and 10 will have been amended and claims 15-17 and 21 will have been canceled without prejudice or disclaimer.

In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has rejected claims 7, 10, 16 and 21 under 35 U.S.C. § 102(e) as being anticipated by SEKIGUCHI (U.S. Patent No. 6,898,627). The Examiner has rejected claims 1, 2, 3, 8, 11, 12, 15, 17, 19, 20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over MATSUBARA et al. (U.S. Patent No. 6,545,768) in view of ITOH et al. (U.S. Patent No. 6,323,962). The Examiner has rejected claims 6 and 23 under 35 U.S.C. § 103(a) as being unpatentable over MATSUBARA et al. (U.S. Patent No. 6,545,768) in view of ITOH et al. (U.S. Patent No. 6,323,962) and TOYODA (U.S. Patent No. 6,094,277). The Examiner has rejected claims 4, 5 and 9 under 35 U.S.C. § 103(a) as being unpatentable over SAITO (U.S. Patent No. 6,128,101) in view of MATSUBARA et al. (U.S. Patent No. 6,545,768) and ITOH et al. (U.S. Patent No. 6,323,962).

Applicant respectfully traverses each of the above-noted rejections. In particular, Applicant respectfully submits that none of the references of record in the present application, whether considered individually or whether considered in any proper combination, teach, disclose or render obvious the combination of features recited in each of Applicant's independent claims. Further, the disclosures of the various references relied upon by the Examiner are

inadequate and insufficient to render unpatentable the features of Applicant's invention as defined by the various claims pending herein. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

As noted above, Applicant has amended independent claims 1, 7-8, and 10 for consideration and has canceled claims 15-17 and 21 without prejudice or disclaimer. Applicant respectfully traverses the above rejections based on the pending claims and will discuss the rejections with respect to the pending claims in the present application as will be set forth hereinbelow. The claims have been amended merely to clarify the subject matter, but are not intended to narrow the scope of the claims.

Applicant's claims 1-3 and 6 relate to a dial-up Internet facsimile apparatus that includes a modem that makes a dial-up connection to a service provider of e-mail via a telephone line. The dial-up Internet facsimile apparatus also includes an operation section that includes at least a start button and a stop button. The stop button is configured for disconnecting the connection to the service provider. The dial-up Internet facsimile apparatus further has an e-mail receiver that receives e-mail data from the connected service provider and that, when the stop button is operated while receiving the e-mail data, disconnects the connection to the service provider without waiting for the completion of the e-mail data reception, and requires operation of the start button to perform another communication. The e-mail receiver, upon disconnection of the connection to the service provider, stores data indicating that the e-mail data has been incompletely received. The e-mail receiver determines whether the e-mail data represents new data or represents previously incompletely received data, prior to receiving e-mail data. The e-

mail receiver does not receive the e-mail data and determines whether another e-mail is to be received, when the e-mail receiver determines that the e-mail data represents previously incompletely received data. Claim 8 recites generally a related method.

Applicant's claims 4-5 relate to a dial-up Internet facsimile apparatus that includes a modem that makes a dial-up connection to a service provider of e-mail via a telephone line. The dial-up Internet facsimile apparatus also includes an operation section that includes a stop button. The stop button is configured for interrupting the reception of e-mail data from the service provider. Further, the dial-up Internet facsimile apparatus includes an e-mail receiver that receives e-mail data from the connected service provider and that, when the stop button is operated while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception. Then, the receiver proceeds to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication. Additionally, when the e-mail receiver interrupts reception of the e-mail data, the e-mail receiver identifies the e-mail data as e-mail data that has been received. Claim 9 recites generally a related method.

Applicant's claim 7 relates to a dial-up Internet facsimile apparatus configured to receive an e-mail from a service provider. The e-mail includes a header and a body. The Internet facsimile apparatus includes a modem that makes a dial-up connection to the service provider of e-mail via a telephone line. The Internet facsimile apparatus also includes an e-mail receiver that receives data regarding a size of the e-mail from the service provider before receiving the e-mail, skips reception of the e-mail with the received size data when the received size data of the e-mail exceeds a predetermined value, and proceeds to reception of a next e-mail without

receiving either the header or the body of the e-mail with the received size. The e-mail receiver receives the next e-mail without receiving the skipped e-mail, when the size data of the next e-mail does not exceed the predetermined value. The e-mail receiver determines whether an e-mail has been previously received, and when an e-mail is determined to have been previously received, the e-mail receiver proceeds to reception of the next e-mail without determining the size of the previously received e-mail. Claim 10 recites generally a related method.

Regarding the rejection of claims 7, 10, 16 and 21 under 35 U.S.C. § 102(e) as being anticipated by SEKIGUCHI, SEKIGUCHI relates to a communication system in which the e-mail/facsimile machine 1-11 sends an e-mail list transmission request to the e-mail server 1-10 and receives e-mail list data from the e-mail server 1-10. The e-mail/facsimile machine 1-11 analyzes the contents of the e-mail list data and puts amounts of data of the respective e-mails into the data fields. For example, the e-mail data amounts of the first, second, and third e-mails are 1 Kbytes, 2 Kbytes, and 500 Kbyte, respective (column 7, lines 12-62), and the available memory space is equal to 300 Kbyte (column 8, lines 1-7). In the case of the third e-mail, the CPU 10-3 of the e-mail/facsimile machine 1-11 checks the available memory space and determines that it is impossible to receive all e-mail data because the data amount of the third e-mail is 500 Kbyte. Accordingly, the CPU 10-3 receives only the header of the third e-mail (column 10, line 63 - column 11, line 25).

However, SEKIGUCHI fails to disclose an e-mail receiver that determines whether an e-mail has been “previously received”. Rather, in SEKIGUCHI, CPU 10-3 merely determines whether an e-mail data amount of an e-mail is less than the memory space, based on the contents of the e-mail list data (column 7, lines 12-62, column 8, lines 1-7 and column 10, line 63 - column 11, line 25). In other words, SEKIGUCHI merely teaches that, in the case of an e-mail

with 500 Kbyte, the CPU 10-3 of the e-mail/facsimile machine 1-11 checks the available memory space (300 Kbyte) and determines that it is impossible to receive all e-mail data because the e-mail is 500 Kbyte. Thus, SEKIGUCHI does not contain any disclosures regarding an e-mail receiver that determines whether an e-mail has been “previously received”, as recited in, e.g., claim 7.

SEKIGUCHI also fails to disclose an e-mail receiver that, when an e-mail is determined to have been previously received, proceeds to reception of the next e-mail without determining the size of the previously received e-mail. In SEKIGUCHI, CPU 10-3 cannot determine that an e-mail has been previously received, since SEKIGUCHI fails to disclose an e-mail receiver that determines whether an e-mail has been previously received, as discussed above.

In setting forth the rejection of claim 7, the Examiner asserts that SEKIGUCHI skips reception of the e-mail with the received size data when the received size data of the e-mail exceeds a predetermined value. It is respectfully submitted that the Examiner is incorrect. In this regard, to support his position, the Examiner relied upon column 10, lines 11-21. However, rather than supporting the Examiner’s position, this portion of the disclosure clearly undermines the Examiner’s position.

In this regard, Applicant notes that column 10, line 11, of SEKIGUCHI indicates that the CPU 10-3 determines whether there is data that cannot be “interpreted or cannot be decoded”. Thus, it is inherent and implicit that before any determination can be made whether data can be interpreted or decoded, it must be received. In direct contrast, Applicant’s claim 7 explicitly recites “skips reception of the e-mail with the received size data when the received size data of the e-mail exceeds a predetermined value”. This is clearly not true for the SEKIGUCHI device.

Moreover, Applicant notes that step 2-60 determines “is there data which could not be converted”. This indicates that the data has already been received.

Regarding claim 16, the Examiner asserts that the recitations thereof are satisfied because the receiver includes ACK/NACK to determine whether an e-mail has been successfully received and proceeds to the next e-mail, since the system is designed to receive a plurality of messages. However, this does not in any way address the recitations of Applicant’s claim, that relate to the “previously received” e-mail. The system of SEKIGUCHI treats each e-mail in the list in series. There is no eventuality that a previously received e-mail would be received again (which is what claim 7 now recites) as there is no indication that the e-mail list would contain duplicates of e-mail data. Similarly, no portion of column 7, lines 11-62 relate to a “previously received” e-mail. This portion of SEKIGUCHI merely describes the communication sequence for the three received e-mails. The first e-mail is correctly received with no errors, the second having e-mail data that is invalid (i.e., incapable of being interpreted) and the third including too much data.

Moreover, even in the case of the third e-mail of SEKIGUCHI, where the e-mail includes too much data, SEKIGUCHI discloses, at column 7, line 16, that “only the header is extracted”. This is also not in compliance with the recitations of Applicant’s claim 7 which recites “without receiving either the header or the body of the e-mail with the received size”.

On the other hand, the present invention recites an e-mail receiver that determines whether an e-mail has been previously received, and that, when an e-mail is determined to have been previously received, proceeds to reception of the next e-mail without determining the size of the previously received e-mail. This feature is also not disclosed by SEKIGUCHI.

Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that SEKIGUCHI is an inappropriate basis for the rejection of claims 7 and 10 of the present application.

Thus, the pending claims are clearly distinguished over SEKIGUCHI.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 7 and 10 are not disclosed in SEKIGUCHI cited by the Examiner.

Regarding the rejection of claims 1, 2, 3, 8, 11, 12, 15, 17, 19, 20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over MATSUBARA et al. in view of ITOH et al., MATSUBARA relates to an image transmitting apparatus that transmits image data to an external image receiving device through one of the first and the second networks, and "retransmits" the image data to the external image receiving device through the remaining one of the first and the second networks.

MATSUBARA et al. utilizes a controller that transmits the image data of the document simultaneously through the first and second networks. Accordingly, the image receiving apparatus can carry out a process according to the image data that is received before the other image data is received, to improve the speed of the process as set forth at column 2, lines 16-20. Thus, according to MATSUBARA et al., it is essential that the data be transmitted through two distinct networks which is clearly not the case according to the recitations of Applicant's claims 1 and 8. On the other hand, MATSUBARA et al. is not at all related to "incompletely received" data. According to the teachings of MATSUBARA et al., the data is received, possibly at different times, but always through different channels (i.e., networks).

However, MATSUBARA et al. fails to disclose an e-mail receiver that, when the e-mail receiver determines the e-mail data to represent previously "incompletely" received data, does

not receive the e-mail data and determines whether another e-mail is to be received. Rather, MATSUBARA et al. merely teaches that it is determined whether the image data of a facsimile document corresponding to the ID is already received or not (Fig. 5A S21 and column 8, lines 64-67). When the image data is already received, notification is made to the facsimile apparatus of the sender that the image data is already received (Fig. 5A S24 and column 9, lines 2-5). Then, the routine ends after the process of S24 (column 9, lines 5-6) is performed.

In other words, MATSUBARA et al. discloses a receiver's facsimile apparatus that, when the receiver's facsimile apparatus determines the image data represents previously received image data, does not receive the image data, but fails to disclose the receiver's facsimile apparatus that, when the receiver's facsimile apparatus determines the image data to represent "previously incompletely" received image data, determines whether another image data is to be received. Thus, MATSUBARA et al. merely teaches that the receiver's facsimile apparatus receives image data from the sender's facsimile apparatus. On the other hand, in the present invention, a dial-up Internet facsimile apparatus makes a dial-up connection to a service provider of e-mail via a telephone line and receives e-mail data from the connected service provider. Thus, in the present invention, an e-mail receiver "determines whether another e-mail is to be received", after the e-mail receiver does not receive the e-mail data when the e-mail receiver determines the e-mail data to represent previously "incompletely" received data.

However, in MATSUBARA et al., the receiver's facsimile apparatus merely receives image data from the sender's facsimile apparatus, when the sender's facsimile apparatus transmits the image data to the receiver's facsimile apparatus. Thus, in MATSUBARA et al., since the receiver's facsimile apparatus merely receives image data from the sender's facsimile apparatus, the receiver's facsimile apparatus does not determine whether another image data is to

be received, after the receiver' facsimile apparatus does not receive the image data. In particular, the specification of MATSUBARA et al. discloses that the routine ends after the process of S24 (column 9, lines 5-6) and does not teach to determining whether another image data is to be received.

In the outstanding Official Action, the Examiner asserts that MATSUBARA et al. teaches storing data indicating that the e-mail data has been "incompletely received" and relies upon the feature of MATSUBARA et al. that the receiving device, during reception, determines if an ID has already been sent to support the above-noted allegation regarding incompletely received e-mail data. However, merely because an ID has been sent does not mean that the data has been "incompletely" received. There is a significantly logical gap between a disclosure that an ID has been sent and storing of data indicating that an e-mail data has been "incompletely received".

For each of the above-noted reasons, it is respectfully submitted that MATSUBARA et al. is an inadequate basis for the rejection of any of the claims pending in the present application.

Thus, the pending invention is clearly distinguished over MATSUBARA et al.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 1, 2, 3, 8, 11, 12, 15, 17, 19, 20 and 22 are not disclosed and are not rendered obvious over MATSUBARA et al. cited by the Examiner.

In setting forth the rejection, the Examiner relies on ITOH et al. regarding that which the Examiner admits is lacking in MATSUBARA et al. ITOH et al. relates to a facsimile machine that has a first facsimile data transmitter that transmits facsimile data to an external computer, the facsimile data being transmitted from a second facsimile data transmitter.

However, ITOH et al. fails to disclose an e-mail receiver that, when the e-mail receiver determines the e-mail data to represent previously "incompletely received" data, does not receive

the e-mail data and determines whether another e-mail is to be received. Rather, ITOH et al. merely teaches functions of the START key 162 (column 23, lines 49-53) and the HOOK key (column 24, lines 37-45). Thus, ITOH et al. does not contain any disclosures regarding an e-mail receiver that, when the e-mail receiver determines the e-mail data to represent previously incompletely received data, does not receive the e-mail data and determines whether another e-mail is to be received, nor does the Examiner even assert that ITOH et al. discloses such features..

Thus, the pending invention is clearly distinguished over ITOH et al.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 1, 2, 3, 8, 11, 12, 15, 17, 19, 20 and 22 are not disclosed and are not rendered obvious over MATSUBARA et al. in view of ITOH et al. cited by the Examiner, at least since ITOH et al. does not supply the above-noted shortcoming of MATSUBARA et al. The pending claims are thus submitted to be patentable over MATSUBARA et al. in view of ITOH et al.

Further, Applicant submits that even if one attempted to combine the teachings of MATSUBARA et al. and ITOH et al. in the manner suggested by the Examiner, one would fail to arrive at the instant invention, as defined by pending claims., since neither of MATSUBARA et al. and ITOH et al. discloses, teaches, or renders obvious, in the claimed combinations, at least an e-mail receiver that, when the e-mail receiver determines the e-mail data to represent previously "incompletely received" data, does not receive the e-mail data and determines whether another e-mail is to be received.

In addressing the reason for the combination of MATSUBARA et al. and ITOH et al., the Examiner asserts that the "motivation" would be to receive nonredundant message data. However, this is directly contradicted by the explicitly set forth goal of MATSUBARA et al. In

other words, MATSUBARA et al. specifically utilizes redundant transmission of data in order to achieve enumerated advantages. Accordingly, there is no logical reason for modifying MATSUBARA et al. in the manner proposed by the Examiner.

Regarding the rejection of dependent claims 6 and 23 under U.S.C. § 103(a) as being unpatentable over MATSUBARA et al. in view of ITOH et al. and TOYODA, TOYODA relates to an Internet facsimile apparatus that creates an error message to be returned to the sender. The error message is transmitted to the sender of the e-mail data when a file attached to the received e-mail cannot be opened.

In setting forth the rejection, the Examiner asserts that TOYOTA discloses error messages. However, TOYOTA, at column 4, lines 59-65, indicates that the message of the error message relates to whether data contained in the e-mail can or cannot be handled by the IFAX. Thus, the error messages of TOYOTA do not relate to e-mail reception being interrupted, but that e-mail received cannot be handled by the receiving IFAX apparatus. Thus, TOYOTA does not relate to the recitations of the claims against which it is applied.

Applicant submits that dependent claims 6 and 23 are respectively dependent from allowable independent claims 1 and 8, which are allowable for at least the reasons discussed supra. Thus, these dependent claims are also allowable for at least the reasons discussed supra.

Regarding the rejection of claims 4, 5 and 9 under U.S.C. § 103(a) as being unpatentable over SAITO in view of MATSUBARA et al. and ITOH et al., SAITO et al. relates to an e-mail type facsimile apparatus that leaves unacceptable mail in the mail server and stores the left mail number K and message ID of the latest mail in the mail server. In a next access, the e-mail type facsimile apparatus acquires the message ID of the Kth mail stored in mail server and compares

the acquired message ID with the left mail ID stored in the e-mail type facsimile apparatus. When both match, the “K+1”th and subsequent pieces of mail are received.

However, SAITO fails to disclose an e-mail receiver that, when the stop button is operated while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception. Rather, in SAITO, the facsimile apparatus merely checks whether there is an unacceptable e-mail already received during a last access or a new incoming e-mail is in the mail server (Fig. 6 ST503-ST511), before the facsimile apparatus receives an e-mail from the mail server (Fig. 7 ST517). When there is a new incoming e-mail (not including an unacceptable e-mail already received during a last access time) in the mail server, the facsimile apparatus receives the new incoming e-mail from the mail server (Fig. 7 ST517) . However, SAITO fails to teach that the facsimile apparatus interrupts the reception of the new incoming e-mail according to the operation of the stop button while the new incoming e-mail is received (Fig. 7 ST 517 and column 6, lines 3-7). SAITO merely teaches that the Mth e-mail is received from the mail server (Fig. 7 ST 517 and column 6, lines 3-7). Thus, SAITO does not contain a disclosure regarding an e-mail receiver that, when a stop button is operated while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception.

SAITO also fails to disclose an e-mail receiver that proceeds to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication. As explained above, SAITO fails to teach the “interruption” in reception of the e-mail data. Rather, SAITO merely teach that Mth+1 e-mail is

received from the mail server after Mth e-mail is received from the mail server (Fig. 7 ST517 and ST519).

Further, SAITO fails to disclose an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received. As explained above, SAITO fails to teach the interruption in reception of the e-mail data. Rather, SAITO merely teaches that Mth+1 e-mail is received from the mail server after Mth e-mail is received from the mail server (Fig. 7 ST517 and ST519). Further, SAITO merely teaches that the facsimile apparatus stores the left mail number K and the left mail in the mail server. The left mail ID indicates an unacceptable e-mail that is left in the mail server and that is not received from the mail server by the facsimile apparatus. In other words, the left mail ID does not indicate e-mail data that has been received. Thus, SAITO does not contain any disclosures regarding an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received.

In setting forth the rejection, the Examiner equates the asserted teaching by SAITO of a receiving device that determines if a message has already been received and proceeds to the next e-mail message after the determination performed by comparison of message IDs with the recited feature of proceeding to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication. However, there is no logical reason for making this analysis since SAITO does not relate to interruption in reception of e-mail data but rather to leaving of unacceptable mail in a mail server.

Thus, the pending claims are clearly distinguished over SAITO.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 4, 5 and 9 are not disclosed and not rendered obvious over SAITO cited by the Examiner.

In setting forth the rejection, the Examiner relies on MATSUBARA et al. regarding that which the Examiner admits is lacking in SAITO.

However, MATSUBARA et al. fails to disclose an e-mail receiver that, when the stop button is operated while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception. Rather, MATSUBARA et al. merely teaches that, when the image data of the facsimile data is not already received (Fig. 5A S21) the receiver's facsimile apparatus merely receives the image data (Fig. 5A S22 and column 8, line 60 – column 9, line 6). In other words, MATSUBARA et al. fails to teach that the receiver's facsimile apparatus interrupts the reception of the image data according to the operation of the stop button while the image data is received. Thus, MATSUBARA et al. does not contain a disclosure regarding an e-mail receiver that, when the stop button is operated while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception.

MATSUBARA et al. also fails to disclose an e-mail receiver that proceeds to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication. As explained above, MATSUBARA et al. fails to teach the interruption in reception of the e-mail data. Rather, MATSUBARA et al. merely teaches that the receiver's facsimile apparatus ends the routine (Fig. 5A END) after the receiver's facsimile apparatus receives the image data (Fig. 5A S22 and column 9, lines 1-6).

Further, MATSUBARA et al. fails to disclose an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received. As explained above, MATSUBARA et al. fails to teach the interruption in reception of the e-mail data. Rather, MATSUBARA et al. merely teaches that, when the image data is not already received (Fig. 5 A21), the image data is received and then the routine ends (Fig. 5A S22-S23 and column 8, line 67-column 9, line 6). Additionally, in MATSUBARA et al., the ID indicates that an electronic mail to which a facsimile document is attached is already received by the recipient before the facsimile document is transmitted from the sender side to the receiver side. Thus, MATSUBARA et al. does not contain any disclosures regarding an e-mail receiver that identifies the e-mail data as e-mail data that has been received, in the situation “when the e-mail receiver interrupts reception of the e-mail data”.

Thus, the pending claims are clearly distinguished over MATSUBARA et al.

Therefore, it is respectfully submitted that the features recited in Applicant’s claims 4, 5 and 9 are not disclosed or not rendered obvious over SAITO in view of MATSUBARA et al. cited by the Examiner. The pending claims are thus submitted to be patentable over SAITO in view of MATSUBARA et al.

In setting forth the rejection, the Examiner relies on ITOH et al. regarding that which the Examiner admits is lacking in SAITO and MATSUBARA et al.

However, ITOH et al. fails to disclose an e-mail receiver that proceeds to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication. Rather, ITOH et al. merely teaches functions of the START key 162 (column 23, lines 49-53) and the HOOK key (column 24, lines 37-45). Thus, ITOH et al. does not contain any disclosures regarding “an e-mail receiver that

proceeds to the reception of the next e-mail data from the service provider” after the interruption in reception of the e-mail data without an intervening data reception communication.

ITOH et al. also fails to disclose an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received. Rather, ITOH et al. merely teaches functions of the START key 162 (column 23, lines 49-53) and the HOOK key (column 24, lines 37-45). Thus, ITOH et al. does not contain any disclosures regarding an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received.

Thus the pending claims are clearly distinguished over ITOH et al.

Therefore, it is respectfully submitted that the features recited in Applicant’s claims 4, 5 and 9 are not disclosed or not rendered obvious over SAITO in view of MATSUBARA et al. and ITOH et al. cited by the Examiner. The pending claims are thus submitted to be patentable over SAITO in view of MATSUBARA et al. and ITOH et al.

Further, Applicant submits that even if one attempted to combine the teachings of ITOH, MATSUBARA et al. and ITOH et al. in the manner suggested by the Examiner, one would fail to arrive at the instant invention, as defined by pending claims., since none of ITOH, MATSUBARA et al. and ITOH et al. discloses, teaches, or renders obvious, in the claimed combinations, at least an e-mail receiver that proceeds to the reception of the next e-mail data from the service provider after the interruption in reception of the e-mail data without an intervening data reception communication, as well as, an e-mail receiver that, when the e-mail receiver interrupts reception of the e-mail data, identifies the e-mail data as e-mail data that has been received.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and requests an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended some of the rejected claims for consideration by the Examiner, and has canceled several other claims.

With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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